

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 2774 – SB 2780**

April 17, 2012

**SUMMARY OF AMENDMENTS (016524, 016847):** Deletes all language after the enacting clause. Effective 30 days after becoming law, increases, from \$50 to \$200, the fee paid by a defendant petitioning a court for expunction of records following successful completion of a diversion program. Specifies that the \$200 fee is not applicable in any case where there has been an acquittal, nolle prosequi or dismissal for failure to prosecute, or where by law the expunction order is not required to be sent to the TBI. Expands the purposes for which the diversion fee may be used by the Tennessee Bureau of Investigation (TBI). Requires a defendant, upon request for a diversion program, to pay a \$100 fee to the TBI to be used by the Bureau for stated purposes.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Revenue - \$4,431,500/TBI  
Increase State Expenditures - \$4,431,500/TBI

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Increase State Revenue – \$268,000/FY12-13/TBI  
\$3,215,800/FY13-14 and Subsequent Years/TBI**  
**Increase State Expenditures - \$268,000/FY12-13/TBI  
\$3,215,800/FY13-14 and Subsequent Years/TBI**

Assumptions applied to amendments:

- All revenue collected from the \$100 diversion request fee and the \$200 expunction fee for individuals completing a diversion program shall be used by the TBI for the following purposes: to employ personnel; purchase equipment and supplies; fund education, training and development of Bureau employees; maintain the databases; computer system support; maintenance costs; and any other purpose that allows the Bureau to do its business in a more efficient manner.
- According to TBI, there are 8,105 expungement requests and 20,000 diversion requests each year based on those who pay currently. TBI does not believe that the increase in this fee will impact the number of requests. There will be a recurring increase in state revenue of \$1,215,750 (\$150 x 8,105 expungement requests) + \$2,000,000 (\$100 x 20,000 diversion requests).

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- The Bureau will spend the additional revenue for the stipulated purposes resulting in an increase in state expenditures of \$3,215,750 (\$1,215,750 + \$2,000,000).
- Assume the bill is signed into law April 30, 2012, and becomes effective 30 days later on June 1, 2012, there will be an increase in revenue and expenditures for TBI in FY12-13 of \$267,979.17 [ $\$150 \times (8,105/12) + \$100 \times (20,000/12)$ ].

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" and last name "Geise" clearly distinguishable.

Lucian D. Geise, Executive Director

/lsc